

EXHIBIT 6

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 59
3 THE PEOPLE OF THE STATE OF NEW YORK INDICT.#
4 -against- 4762/89
5 ANTRON MCCRAY, RAYMOND SANTANA, and
6 YUSEF SALAAM,

7 Defendants.

8 August 8, 1990

9 B e f o r e :

10 HONORABLE THOMAS GALLIGAN,

11 Justice, and a jury

12 (Appearances same as previously noted.)

13 *****

14 MORNING SESSION - JURY NOT PRESENT

15 (Defendants, their attorneys, Assistant
16 District Attorneys present.)

17 (Bench conference off the record.)

18 (On the record, in open court, the following
19 took place:)

20 THE COURT: Ready?

21 MS. LEIDERER: Yes.

22 THE COURT CLERK: People of the State of New
23 York against Raymond Santana, Yusef Salaam, and
24 Antron McCray, 4762 of '89. Trial continued.

25 THE COURT: Bring out the jury.

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T15(1)--JM-TS

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Summation - Lederer

JURY PRESENT

THE COURT CLERK: The defendants, their attorneys, Assistant District Attorneys, and all sworn jurors are present.

THE COURT: I want to make sure you know I'm here.

(Ms. Lederer, in behalf of the People of the State of New York summed up to the jury as follows:)

MS. LEDERER: Judge Galligan, Mr. Fisher, ladies and gentlemen of the jury:

At the beginning of this trial, in my opening statement, I told you that in the course of this trial, you would learn what had happened in Central Park on the night of April 19th of 1989.

And I submit to you that in the course of the last several weeks, through the evidence that has been presented, you have, in fact, learned what happened on that night in Central Park.

I submit to you that the evidence that has been presented has proven, beyond a reasonable doubt, that these three defendants, Antron McCray, Yusef Salaam, and Raymond Santana, went into Central Park on that night with 30 or more other young men.

They went into that park to rob people, to beat

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T17(3)-JM-TS

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1 Summation - Lederer

2 rectal swab were kept by the hospital.

3 You will recall evidence, those swabs were
4 tested, and they were found to be high in acid
5 phosphatase.

6 Mary Veit explained to you that that is an
7 enzyme that is very high elevated level in semen and
8 sperm.

9 Slides were made and kept at the hospital.

10 One was a vaginal slide, one was a rectal
11 slide.

12 And Mary Veit later examined those, and found
13 that they were also positive for the presence of
14 sperm in the rectum and in the vagina.

15 I submit to you that that is proof, beyond a
16 reasonable doubt, that Patricia Meili was raped and
17 sodomized.

18 But, on top of that, you also have the
19 testimony from Special Agent Dwight Adams.

20 Mr. Adams told you that he received a vaginal
21 swab and a rectal swab from the New York City Police
22 Department, and he analyzed that.

23 He was able to obtain a faint profile from the
24 vaginal swab.

25 And he said that that swab produced a profile

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T17(3)-JM-TS

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1 Summation - Lederer

2 that did not match the defendants in this case, it
3 did not match any of the suspects, it did not match
4 Kevin O'Reilly, it did not match Kevin O'Reilly.

5 The semen that was inside Patricia Meili came
6 from someone else.

7 And the fact that it did not come from Antron
8 McCray, or Yusef Salaam, or Raymond Santana, does
9 not establish that these three defendants did not
10 rape her.

11 It does not establish that they did not aid
12 others to rape her.

13 The only thing that that proves is that it is
14 -- is that these three defendants, none of these
15 three defendants ejaculated inside of her.

16 Ejaculation is not an element of rape.

17 There is no legal requirement that ejaculation
18 occur for the crime of rape to be committed, or for
19 the crime of sodomy to be committed.

20 The testimony from Dwight Adams is absolutely
21 consistent with what the People contend happened in
22 this case.

23 The DNA profile that was recovered doesn't
24 match the people on trial in this case.

25 But think about what Antron McCray told you.

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T17(3)-JM-TS

5282

Summation - Lederer

Antron McCray described that before he raped her, and before he got on top of her, first, there was a black guy that got on top of her, then the Puerto Rican guy with the black hood, then I did it, then Clarence, and then Kevin.

Perhaps the DNA profile would match the first person that he described as getting on top of her, the black guy.

Perhaps the DNA profile would match the second guy, the Puerto Rican guy with the black hood.

Without knowing the name or the identity of those people, there is no way to get a sample, there's no way to do a comparison.

Think about what Yusef Salaam said.

You will recall that Yusef Salaam said to detective McKenna that Kevin got on top of her, and, in his words, Kevin fucked her, and then Kharey did, and then a couple of other guys, but he didn't know them.

Maybe if he did know them, maybe if their names were known, maybe it would be possible to get a blood sample from them and get a DNA profile, and maybe then you would know if it matched one of them.

The fact that we don't know who they are, the

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